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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CALIFORNIA COALITION FOR WOMEN
PRISONERS, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA FEDERAL
BUREAU OF PRISONS, et al.,

Defendants.

Case No. 4:23-CV-04155-YGR

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO
CONTINUE THE FINAL APPROVAL
HEARING**

Judge Hon. Yvonne Gonzalez Rogers

Date: February 25, 2025

Time: 4:00 p.m.

Courtroom: Courtroom 1 – 4th Floor

1 Plaintiffs California Coalition For Women Prisoners; R.B.; A.H.R.; S.L.; J.L.; J.M.; G.M.;
2 A.S.; and L.T. (together, the “Plaintiffs”), by and through Class Counsel (as defined in the
3 Proposed Consent Decree), respectfully oppose the Federal Defendants’ (together, the “BOP”)
4 administrative motion to continue the Final Approval Hearing from February 25 to March 25, 2025
5 (ECF No. 464, the “Motion”).

6 In support of its request to continue the Final Approval Hearing, BOP asserts that “Counsel
7 for the United States does not have sufficient information to ascertain whether BOP has the
8 resources to implement the Consent Decree.” Mot. at 1. The Government also cites the recent
9 change in administration and the retirement of Jennifer Knox, BOP’s designated liaison. *Id.* at 1-
10 2. Respectfully, BOP has not articulated the necessary good cause to continue the hearing.

11 *First and foremost*, the purpose of the Final Approval Hearing is to address the objections
12 submitted by Class Members, pursuant to Federal Rule of Civil Procedure 23(e). *See Collins v.*
13 *Thompson*, 679 F.2d 168, 172 (9th Cir. 1982) (“The reason for judicial approval is not to give the
14 negotiating parties more time or even to ensure that the settlement is fair as between the negotiating
15 parties, but rather to ensure that other unrepresented parties and the public interest are treated fairly
16 by the settlement.”). The BOP has not provided any reason why this function of the Final Approval
17 Hearing should not proceed as scheduled on February 25, 2025.

18 *Second*, to the extent the BOP now suggests doubts about its ability “to implement the
19 Consent Decree” and has issues with “some provisions in the Consent Decree,” the Court should
20 disregard these statements. Mot. at 1. The Consent Decree is a binding contract that “has the full
21 force and effect of an order of the Court.” ECF No. 442 at 2. Indeed, the BOP is “bound by
22 general contract principles with regards to their proposed settlement. The requirement of judicial
23 approval is not to protect the negotiating parties, but to protect unrepresented parties, and thus the
24 negotiating parties are bound by any contract they make, subject of course to the condition
25 subsequent of judicial disapproval.” *Collins*, 679 F.2d at 173. Simply put, the purpose of the Final
26 Approval Hearing is not to entertain after-the-fact doubts by contractually bound parties. To the
27 extent the BOP has concerns about the practical administration of the terms of the Consent Decree,
28

1 that is all the more reason to keep the February 25, 2025 Final Approval Hearing on calendar so
2 that specifics can be discussed, as opposed to leaving the Class Members (and correctional staff)
3 lingering in uncertainty on the basis of BOP's vague motion.

4 *Finally*, and relatedly, BOP's generalized reference to the change in administration and
5 agency personnel is not a basis to delay consideration of the Class Member objections. Regardless
6 of the change in administration, it is hornbook law that BOP remains contractually bound to the
7 provisions of the Consent Decree, as discussed. To the extent that there are issues to be addressed
8 concerning the implementation of those binding provisions under the new Department of Justice
9 leadership, again, that counsels in favor of discussing them before the Court. With respect to the
10 retirement of the current BOP liaison, the Consent Decree specifically contemplates a scenario
11 whereby "Ms. Knox is no longer employed by the BOP," providing that the BOP shall appoint a
12 new liaison without impeding fulfillment of the terms of the Consent Decree. *See* ECF No. 442-
13 2, ¶ 114. In any event, Ms. Knox's retirement does not materially affect or impede the main
14 purpose of the hearing, for the Court to consider the fairness of the parties' agreed-upon settlement
15 on impacted Class Members.

16 For the foregoing reasons, the Court should deny the Government's motion to continue the
17 hearing.

Respectfully Submitted,

DATED: February 18, 2025

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Kara Janssen

Ernest Galvan

Kara J. Janssen

Adrienne Spiegel

Luma Khabbaz

DATED: February 18, 2025

CALIFORNIA COLLABORATIVE FOR
IMMIGRANT JUSTICE

By: /s/ Susan Beaty

Mx. Susan Beaty (they/them)

DATED: February 18, 2025

RIGHTS BEHIND BARS

By: /s/ Miriam R. Nemeth

Miriam R. Nemeth

Amaris Montes

DATED: February 18, 2025

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